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**Right To  
Information  
Act - 2005**

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RTI Act-2005 is a Central Legislation.

- It gives access to Information held by the Public Authority.
- It is linked to Article-19 --- "Freedom of Speech & Expression", and Article-21 --- "Right to Life & Liberty" of the Constitution of India.
- RTI Act-2005 was enacted on 15th June-2005 & enforced w.e.f 12th October-2005.

## What does Information mean?

### ❖ Information means: -

records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material in any electronic form, information relating to any private body which can be accessed by a public authority

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## What is "Record"?

○ Record means: -

a) Documents, Files, Manuscript,

b) Microfilm, Fax,

c) Reproduction of Film or Images embodied in such Film,

d) Any other material produced by a computer or an electronic device.

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## RIGHT TO INFORMATION MEANS

Right to :

- ❖ Inspection of works, documents & records,
- ❖ Take notes, extracts, certified copy of documents & O records,
- ❖ Take certified samples of materials,
- ❖ Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

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## **Exemptions:**

Information which would prejudicially affect sovereignty and integrity of India; security/strategic/scientific/economic interests of the State; relation with foreign State

Information which might incite an offence

Information which:

- ❖ is forbidden by a court;
- ❖ that causes a breach of privilege of the Legislature;
- would harm the competitive position of a third party;

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## Exemptions:

- is held in fiduciary relationship, unless larger public interest warrants disclosure;
  - received in confidence from foreign Government;
  - would endanger the life of any person;
  - would impede the process of investigation;
  - would involve an infringement of copy right.
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- ❖ Personal information which has no relationship o any public activity or interest
  - ❖ Cabinet papers including records of deliberations f the Council of Ministers, Secretaries and officers;

## Cont, Proactive disclosures under Act

Every Public Authority must proactively disclose: -

- Particulars of the organization, its functions and duties;
- Procedure followed in its decision making process
- Norms set out for the discharge of its functions;
- Rules, regulations, instructions, manuals and records used by its employees for the discharge of its functions,
- Arrangement for consultation with or representation

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**Obligations of Public Authorities**

Every public Authorities shall:-

- Designate Public Information Officer to provide information to applicants
- Also to designate APIOs at sub-divisional/district level
- No bar on the number of such PIOs/APIOs
- Designate appellate authority for the first appeal within the public authority

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## Procedure for seeking information

- Application can be made in writing including through electronic mediums in English or Hindi or local official language of the area.
- Where request is not in writing, PIO to provide assistance to reduce it to writing.
- Reasons for seeking information need not be given.

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## **Fees for seeking information**

- ❖ Prescribed Fees to be paid along with the application. No fee for persons below the poverty line.
- ❖ Further fees, towards cost of providing information, to be intimated by the PIO.
- ❖ Applicant can seek a review of the fees through an appeal to the prescribed Appellate Authority.
- ❖ Applicant to be provided information free of cost in case of failure to comply with the response time-limit.

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## **Fees for seeking information**

Fees prescribed by the Central Government:

- ❖ For supply of information Application fee: Rs.10. Cost of stationery: Rs. 2/each page of the in case of paper. information in A4/A3 size o paper and actual cost larger size o Cost per floppy/CD: Rs. 50.
- ❖ For inspection of records No fee for first hour. Rs.5 for each subsequent hour and fraction thereof.

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## Time within which Information is to be supplied

Information should be supplied by the public authority within: -

- 30 days from the date of application.
- 48 hours if involves the life or liberty of a person.
- 40 days if involves the interests of a third party.
- If no response is given by the public authority on RTI application within the time limit, the same treated is deemed refusal.

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## **Appeals under RTI Act:**

- If the applicant is not satisfied with the information provided or if no information is provided by the public authority within the prescribed time-limit, the applicant has the right to prefer an Appeal to the Appellate Authority concerned.
- There are 2 (two) stages of preferring Appeal.

# Cont, Appeals under RTI Act:

## Internal

- First appeal to the officer immediately senior to public information officer within 30 days of decision.
- Appeal to be disposed of within a period of 30 days extendable up to a total of 45 days.

## External

- Second appeal to CIC/SIC within 90 days of decision of Appellate Authority.
- In both the appeals onus to justify denial of request shall be on the PIO. Decision of the CIC/SIC is final and binding.

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## **Imposition of Penalties under RTI Act**

Public authority is liable to a fine of Rs. 250 per day UP to a maximum of Rs. 25,000/- for

- not accepting an application;
- delaying information release without reasonable cause;
- malafidely denying information;
- knowingly giving incomplete, incorrect or misleading information;
- destroying information that has been requested; and
- obstructing furnishing of information in any manner.

CIC/SIC empowered to impose penalty on PIO. They can also recommend disciplinary action against an erring PIO.

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Thanking You